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# **China, People's Republic of**

## **Food and Agricultural Import Regulations and Standards**

### **Agriculture Law**

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#### **Report Highlights:**

**This is an UNOFFICIAL English translation of the People's Republic of China *Agriculture Law* and should be used as a guide only. Exporters should carefully discuss regulations and their application with Chinese importers to ensure that their interpretation of the regulations is accurate.**

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Includes PSD changes: No  
Includes Trade Matrix: No  
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This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Beijing, People's Republic of China for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

### **Summary**

This law is the general framework for all of China's agricultural related laws. The State Council is now considering amendment and revision to this law. Post is not aware of any specific changes that are being considered, however, any future amendments to this law will be general in scope, as well.

### **Agriculture Law**

(Adopted at the Second Meeting of the Standing Committee of the Eighth National People's Congress on July 2, 1993, promulgated by Order No.6 of the President of the People's Republic of China on July 2, 1993, and effective as of July 2, 1993)

#### Chapter One: General Provisions

Article 1: This Law is formulated with a view to ensuring the fundamental position of agriculture in the national economy, developing the socialist market economy in rural areas, safeguarding the lawful rights and interests of agricultural production and marketing organizations and agricultural laborers, and promoting the continuous, steady and coordinated growth of agriculture.

Article 2: The State adheres to the guiding principle of taking agriculture as the basis in developing the national economy.

The State shall adopt measures to ensure the steady development of agriculture.

The main objective for agricultural development is to develop the socialist market economy in rural areas; further emancipate and develop the rural labor force; develop and utilize the rural labor force, land, and various resources; increase effective supplies of agricultural products; and satisfy the demands of people's life and the development of the social economy; and, by developing production, increase the income of agricultural laborers, raise living standards, build a new countryside of common prosperity, and gradually achieve agricultural modernization.

Agriculture, as mentioned in this law, includes crop planting, forestry, animal husbandry, and fishery.

Agricultural production and operation organizations, as mentioned in this Law, include agricultural economic collectives, State-owned agricultural enterprises, and other agricultural enterprises.

Article 3: Land in rural and suburban areas is owned by collectives except, as stipulated by relevant laws, those portions belonging to the State.

Forests, mountains, grasslands, un-reclaimed lands, beaches, waters and other natural resources are owned by the State, with the exception of forests, mountains, grasslands, un-reclaimed lands and beaches that are owned by collectives, in accordance with the law.

Article 4: The right to use State-owned lands or collective-owned lands may be transferred in accordance with the law. No organization or individual may appropriate, buy, sell or otherwise engage in the transfer of land by unlawful means.

People's governments at various levels must value and make rational use of land, and earnestly protect cultivated land. Acts of unlawful appropriation of cultivated land or misuse of land shall be prohibited.

Article 5: In rural areas, public ownership shall be the main form of the socialist economy and diversified economic sectors shall be developed to make the rural economy prosper.

Article 6: The State shall stabilize the rural responsibility system, including the household responsibility system; improve the two-level operation system of the household responsibility system supplemented with unified management; develop social service systems; increase the actual strength of the collective economy; and lead peasants to common prosperity.

Article 7: The State shall stimulate agriculture by using advances in science and technology and through the development of education.

Article 8: The State shall develop water conserving industries for means of agricultural production and the stable growth of agricultural production.

Article 9: The State shall reward units or individuals that have made remarkable achievements in agriculture development.

Article 10: People's governments at various levels shall attach great importance to agricultural work; assume responsibility to organize relevant departments and society in a unified system to support agriculture; perform work related to the development of agriculture; and serve agricultural development.

The departments in charge of agriculture under the State Council shall, in accordance with their respective functions and duties, be responsible for nationwide agricultural work. Other relevant departments under the State Council shall, within the scope of their respective functions and duties, be responsible for the relevant nationwide work in the service of agricultural production and operation.

The departments in charge of agriculture under local people's governments, at or above the county level, shall, in accordance with respective functions and duties, be responsible for the relevant agricultural work in the specific administrative areas. Other relevant departments under local people's governments, at or above the county level, shall, within the scope of respective functions and duties, be responsible for the relevant work in the service of agricultural production and operation.

## Chapter Two: System of Agricultural Production and Marketing

Article 11: Collective-owned land shall be owned collectively by the peasants of the village in accordance with

the law. The land shall be operated and managed collectively by village or by villager's committee agricultural economic collectives. Land that has already been under the ownership of peasant economic collectives of a village or town may be owned collectively by the peasants of the village or town.

If land owned collectively by the peasants of a village has been under the ownership of two or more agricultural economic collectives in the village, such land may be owned collectively by the peasants of the agricultural economic collectives.

Article 12: Lands, mountains, grasslands, un-reclaimed lands, beaches, and water surfaces owned by collectives or the State and utilized by agricultural economic collectives, may be contracted to individuals or collectives for agricultural production. State-owned or collective-owned waste hills or un-reclaimed lands suitable for afforestation may be contracted to individuals or collectives for afforestation. The rights of individuals or collectives to undertake operation by contract shall be protected by law. The party awarding the contract and the contractor shall conclude an agricultural contract to define the rights and duties of both parties.

Article 13: A contractor shall, except as otherwise agreed upon in agricultural contracts, have decision making power for production and management, the right to dispose, direct, or sell the products and the right of remuneration. A contractor shall fulfil lawful duties as stated in the contract. Contractors for afforestation of waste hills and un-reclaimed lands suitable for afforestation shall adhere to provisions of the Forestry Law.

The contractor may, with consent of the party awarding the contract, within the period of the contract, sub-contract the lands, mountains, grasslands, un-reclaimed lands, beaches and water surfaces under contract, and may also transfer the rights and duties agreed upon in the agricultural contract to a third party.

At the expiration of a contract, the contractor shall have priority in additional contracts for the lands, mountains, grasslands, un-reclaimed lands, beaches, and water surfaces that where covered by the original contract.

If a contractor dies during the term of contract, the beneficiary of the contractor may continue the contract.

Article 14: Agricultural economic collectives or villagers committees shall provide production services to individuals or collectives contracting lands, mountains, grasslands, un-reclaimed lands, beaches, and water surfaces.

Article 15: The State shall encourage individuals or collectives to contract, develop, and rehabilitate waste hills, un-reclaimed lands, and waste beaches. The State shall protect contractors' lawful rights and interests.

Article 16: Peasants shall pay taxes, pay expenses for the village's collective work, pay dues for unified management of village and township public undertakings, pay for required labor, and pay for accumulated labor for public work in rural areas in accordance with the law.

Article 17: The State shall protect the lawful property of peasants or agricultural production and marketing organizations from being violated.

Article 18: Any fee collection from peasants or agricultural production and marketing organizations by State bodies for handling official business must be based on laws, regulations, decisions made by competent departments empowered by the State Council, or the provisions and rules formulated by the people's

governments at the provincial level. Provisions and such rules shall be reported to the State Council. The scope and standards for such fees shall be made public. Necessary inspections and examination checks shall be carried out. Peasants and agricultural production and marketing organizations shall have the right to refuse to pay any fees collected by State bodies for handling official business that are without basis on laws, regulations, decisions made by competent departments empowered by the State Council, or the provisions formulated by the people's governments at the provincial level.

Any fines imposed on peasants or agricultural production and marketing organizations by State bodies must be based on the provisions of laws or regulations. Peasants or agricultural production and marketing organizations shall have the right to refuse to pay any fines imposed upon them by State bodies that are without basis of laws or regulations.

Any demand of manpower, financial resources or materials from peasants or agricultural production and marketing organizations shall be categorized as allotment, except as otherwise provided in laws or regulations. No allotment shall be made by any State bodies or units to peasants or agricultural production and marketing organizations in any form. Peasants or agricultural production and marketing organizations shall have the right to refuse allotment in any form.

Article 19: No compulsory fund raising shall be practiced. Fund raising from peasants or agricultural production and marketing organizations shall be carried out on voluntary bases. Peasants or agricultural production and marketing organizations shall have the right to refuse any compulsory fund raising demanded by any State bodies or units.

Article 20: The State shall encourage agricultural economic collectives or other relevant organizations to develop various forms of socialized service undertakings before, during, and after agricultural production. Departments of finance, banking, science and technology, and material resources shall provide support to social service efforts for agricultural production.

### Chapter Three: Agricultural Production

Article 21: The State shall take measures for finance, production strategies, technology, and market information to assist agricultural production and marketing organizations and agricultural laborers in developing agricultural production.

Article 22: The State shall guide agricultural production and marketing organizations and agricultural laborers to adjust agricultural production according to market demands; ensure steady growth of cotton and grain production; achieve comprehensive development of crop planting, forestry, animal husbandry, and fishery; and develop beneficial, high yield, and good quality agriculture.

The State shall design and establish commodity grain and commodity cotton production bases.

Article 23: People's governments at various levels shall design and implement plans for comprehensive agriculture development.

Article 24: People's governments at various levels and agricultural economic collectives shall take measures to develop village and township enterprises and tertiary industries to support the development of agriculture, and

so as to transfer surplus agricultural labor force.

Article 25: People's governments at various levels and agricultural production and marketing organizations shall design plans and organize the construction of irrigation and water conserving works and shelter forests to ensure steady expansion of farmland with stable yields under drought or excess water.

Article 26: People's governments at various levels and agricultural production and operation organizations shall establish and improve the management system of irrigation and water conserving works, develop water saving irrigation facilities, control water resources allotment for irrigation by nonagricultural construction projects, and forbid any organizations or individuals to appropriate or destruct irrigation and water conservancy facilities unlawfully.

Article 27: The State shall encourage and support agricultural production and marketing organizations and agricultural laborers to apply advanced and suitable agricultural machinery to raise the level of agricultural mechanization.

Article 28: The State shall encourage and support processing and comprehensive development utilization of grains; increase the added value of grains; and improve the nutritional structure of people's food.

Article 29: People's governments at various levels shall improve ability to: battle natural calamities in agriculture, prevent and fight disasters, provide disaster victims relief, assist victims resume production, and carry out mutual assistance and mutual relief to society. People's governments at various levels shall provide for, organize, and help extend relief and assistance to victims who hardly can secure their daily life

The State shall give aid to poverty stricken areas. The State shall help poverty stricken areas improve conditions for economic development.

Article 30: People's governments at various levels shall support meteorological effort advances that serve agriculture and enhance the ability to forecast meteorological calamities.

Article 31: The State shall encourage and assist the development of insurance efforts for agriculture.

Agricultural insurance shall be voluntary. No organization or individual may compel any agricultural laborer or agricultural production and marketing organization to have agricultural insurance.

Article 32: The State shall practice a system of animal and plant epidemic prevention and quarantine. All organizations or individuals shall abide by the laws and administrative rules and regulations for animal and plant epidemic prevention and quarantine.

Article 33: The State shall take macro-regulation measures to maintain and control a reasonable price ratio between agricultural products and the principal means of agricultural production; including chemical fertilizers, pesticides, agricultural plastic films, agricultural machinery, and agricultural use diesel oil.

Article 34: People's governments at various levels and agricultural production and marketing organizations shall establish and improve the safe use of agricultural means of production; including the use of pesticides, veterinary drugs, and agricultural machinery that may endanger the safety of persons or livestock and educate

agricultural laborers to ensure production safety.

Any producer or marketer of pesticides, veterinary drugs, chemical fertilizers, seeds, agricultural machinery, agricultural plastic films, and other agricultural means of production shall be responsible for the quality of the products produced or sold. Any act of passing defective products off as high-quality or genuine products, or passing substandard products off as standard shall be prohibited. The production of agricultural means of production; including pesticides, veterinary drugs, and agricultural machinery that the State has publicly ordered to be obsolete shall be forbidden.

#### Chapter Four: Distribution of Agricultural Products

Article 35: The market for the purchase or sale of agricultural products shall be regulated. The State shall carry out necessary macro-regulation and control the purchase or sale of major agricultural products important to the national economy and people's livelihood.

The State Council or the people's governments of provinces, autonomous regions, or municipalities directly under the Central Government that are empowered by the State Council may entrust relevant management organizations to purchase major agricultural products important to the national economy and the people's livelihood. The variety and quantity of purchased agricultural products shall be established by the State Council or by the people's governments of provinces, autonomous regions or municipalities directly under the Central Government that are empowered by the State Council.

The State Council may, when necessary, set the purchase prices of designated agricultural products.

Article 36: The State shall practice a protective purchasing price system and establish risk funds for major agricultural products such as grains important to the national economy and people's livelihood.

The State shall practice a central and local multi-leveled storage and regulation system for major agricultural products including grains important to the national economy and the people's livelihood. The State shall establish reserve funds and improve the storage and transportation system to guarantee supply and stabilize the market.

Article 37: State owned and collective owned commercial organizations, including supply and marketing cooperatives, shall strengthen the construction of storage facilities, provide market information, improve the purchasing system, and offer service to peasants during the sale of agricultural products.

The State shall encourage and guide peasants to engage in the distribution of agricultural products. Agricultural production and marketing organizations and agricultural laborers may, in accordance with the relevant provisions of the State, engage in activities of purchasing, processing, distributing, and wholesale and retail sale of agricultural products.

Article 38: The State shall encourage and support enterprises, institutions, and individuals engaged in trans-regional joint operation activities in production, processing, or sale of agricultural products according to law.

Article 39: The State shall support the establishment and development of rural fairs and wholesale markets for agricultural products.

Wholesale markets transactions for agricultural products shall have regulations. No agricultural product wholesale market administrator may participate in the wholesale market transactions for agricultural products.

Article 40: Agricultural production and marketing organizations and other economic organizations with proper qualifications may engage in import and export trade of agricultural products if the organizations acquire the managerial power of foreign trade with approval granted in accordance with the regulations of the State Council.

Article 41: People's governments at or above the county level shall organize relevant departments and units such as those for finance, banking, grain, supply, and marketing to raise funds for purchasing agricultural products. No unit or individual may intercept or misappropriate such funds.

Units that purchase agricultural products shall, at the time of purchase, pay agricultural production and marketing organizations or peasants for the sale of agricultural products.

No units that purchase agricultural products may, at the time of purchase, lower the grade or price of agricultural products or deduct any costs from payment. Any withholding of taxes under laws or administrative rules and regulations shall be handled in accordance with the provisions of relevant laws or administrative rules and regulations.

#### Chapter Five: Agriculture Inputs

Article 42: The State shall increase overall agriculture inputs. The annual overall input growth rate for agriculture by the national treasury shall be higher than the growth rate for the regular national revenue.

The State shall take measures to promote further use of foreign capital in agriculture.

Article 43: People's governments at or above the county level shall, in accordance with the law, establish special agricultural funds for agricultural development, forest cultivation, and the construction of special projects such as water conserving facilities.

Article 44: The State shall use taxation policy, price management, credits, and loans to encourage and guide agricultural production and marketing organizations and agricultural laborers to increase agriculture inputs.

The State shall encourage and support agricultural production and marketing organizations and agriculture laborers to collect agricultural funds on a voluntary basis.

Article 45: Agriculture input from the State shall be used in infrastructure and engineering projects; including: key projects for harnessing big rivers and lakes; large-scale water conserving projects for flood and excess water control, diversion, and irrigation; major infrastructure facilities for agricultural production and distribution of agricultural products; production bases for commodity grain, commodity cotton, and timber forest; projects for shelter-forest; and fundamental facilities for agricultural education, agricultural scientific research, popularization of technology and meteorology.

Agricultural production and marketing organizations and agricultural laborers shall be responsible for funds and labor accumulation for agricultural inputs and capital construction for irrigation and water conserving works. The State shall grant necessary support.

Article 46: The State shall, by such means as taxation, credit, and loan, encourage and support the development of agricultural production. The State shall undertake efforts to meet the needs of agricultural production; including chemical fertilizers or pesticides, veterinary drugs, agricultural plastic films, and agricultural machinery.

Article 47: People's governments at various levels shall strengthen control over the use of State agricultural funds and guide agricultural economic collectives to make rational use of collective funds.

No unit shall intercept or misappropriate agricultural bank loans or funds for agriculture that is allocated by people's governments at various levels.

#### Chapter Six: Agricultural Science and Technology and Agricultural Education

Article 48: People's governments at various levels shall increase expenditure for agricultural science and technology and for agricultural education to promote agricultural science and technology as well as agricultural education projects.

The State shall encourage economic collectives, State-owned enterprises and institutions, and other social forces to engage in agricultural science and technology as well as agricultural education projects.

The relevant departments under the State Council shall conduct overall planning for basic research, applied research, and high technology research for agricultural science and technology; organize joint efforts for major projects; and promote international cooperation and exchange for agricultural science and technology.

Article 49: The State shall implement compulsory education in the countryside, develop professional agriculture education, and enhance the cultural and technical qualifications for agricultural laborers.

Article 50: The State shall support the extension of agricultural techniques to promote the application of advanced agricultural techniques to agricultural production.

Individuals responsible for distribution of agricultural techniques shall coordinate with agricultural scientific research and education units to extend advanced agricultural techniques.

Article 51: The State shall provide preferential treatments for taxation, credit, and loan to individuals, agricultural scientific research units, and relevant schools or enterprises established for extending agricultural techniques.

Article 52: People's governments at various levels shall take measures to reinforce and strengthen agricultural science and technology units; education and extension of agricultural techniques; safeguard and improve living and working conditions; and improve the treatment of the professional scientific and technological personnel engaged in extension work of agricultural techniques; and shall, in accordance with the provisions of the State, give subsidies to such personnel and encourage individuals to contribute service to agriculture.

Article 53: The State shall encourage peasants to apply advanced agricultural techniques and support the formation of various kinds of scientific and technological organizations.

Chapter Seven: Agricultural Resources and Agricultural Environmental Protection

Article 54: Resources shall be used in a rational way and the ecological environment shall be protected and improved in the development of agriculture.

People's governments at various levels shall create plans for consolidating agricultural resource programs for agricultural environmental protection; the development of rural energy; and organize rehabilitation of the agricultural ecological environment.

Article 55: People's governments at or above the county level shall define protection areas for basic farmlands and carry out special protection for lands cultivated within protected areas of basic farmlands. Specific measures shall be stipulated by the State Council.

People's governments at or above the county level shall take measures to strengthen the development and rehabilitation of barren hills, un-reclaimed lands and waste beaches.

Agricultural production and marketing organizations and agricultural laborers shall maintain their lands; make rational use of chemical fertilizers and pesticides; increase their application of organic fertilizers to improve soil fertility and prevent land pollution, destruction, or soil fertility damage.

Article 56: The State shall implement policy and overall planning for water and soil conservation. The state shall adopt measures suited to local conditions, strengthen management, and lay stress on beneficial results for water and soil conservation.

People's governments at various levels shall take measures to increase the rehabilitation of small river basins, control sand storms, prevent and control soil erosion and desert expansion.

Destroying forests, burning vegetation, building dykes on lakes to reclaim land, or reclaiming slopes where it is banned by the State shall be prohibited.

Article 57: The State shall implement compulsory tree planting in the nation. People's governments at various levels shall take measures to organize the public to plant trees, protect forests and prevent fires, control plant diseases and insect pests in forests, protect forest lands, inspect denudation and illegal felling of trees, and increase forest coverage.

Article 58: The State shall protect and make a rational use of natural resources; including water, forest, grassland, wild animals and plants, and protect them from pollution or destruction.

Chapter Eight: Legal Liability

Article 59: Anyone who acts, in violation of the provisions of Article 18 or Article 19 of this law, and collects fees, imposes fines, apportions costs, or raises funds by compulsion from farmers or agricultural production and marketing organizations shall be made public by government bodies at higher levels. Whoever collects money, uses labor force or material resources shall be ordered by government bodies at higher levels to return money or pay market price compensation for the labor force or material resources within a time limit. If circumstances are serious, individuals held directly responsible shall be given administrative sanctions by the government bodies

at higher levels or the respective units.

Article 60: Any unit that, in violation of the provisions of paragraph one of Article 41 or paragraph two of Article 47 of this Law, intercepts the funds for the purchase of agricultural products and misappropriates funds for any use other than purchasing agricultural products, or intercepts the funds allocated for agriculture by people's governments at various levels and misappropriates such funds for any use other than agricultural expenditure, or intercepts the agricultural loans granted by banks and misappropriates such loans for any non-agricultural use, shall be ordered by bodies at higher levels to return the funds intercepted or misappropriated within a time limit. If the circumstances are serious, individuals held directly responsible shall be given administrative sanctions by the government bodies at higher levels or the respective units.

Article 61: Anyone who, in violation of the provisions of Article 4 of this Law, buys, sells, or illegally transfers land or illegally occupies land, shall be investigated for legal liability in accordance with the provisions of the land Administration Law.

Article 62: Anyone who, in violation of the provisions of paragraph two of Article 34 of this law, produces counterfeit pesticides, veterinary drugs or chemical fertilizers, or sells pesticides, veterinary drugs, chemical fertilizers and seeds while clearly knowing such products to be counterfeit or ineffective, or any producer or seller who passes substandard pesticides, veterinary drugs, chemical fertilizers or seeds off as standard, shall be ordered to stop production or sale. Products illegally produced or sold and unlawful earnings shall be confiscated. A fine of not less than one time the value of unlawful earnings but no more than five times the value shall be imposed and the business licences may be revoked. If the offense constitutes a crime, the offender shall be investigated for criminal liability in accordance with the law.

Administrative sanctions and penalties stipulated in the preceding paragraph shall be decided by government bodies provided for by law or administrative rules and regulations.

Article 63: Anyone who, in violation of the provisions of this law, infringes upon the lawful rights and interests of agricultural production and marketing organizations or agricultural laborers, and thus causes any loss or damage to them, shall bear the liability for civil compensation in accordance with the law.

Article 64: In case a person violates any provision of this Law and thus shall be subjected to administrative sanctions in accordance with the law, the provisions of relevant laws and regulations shall be applied; except as otherwise provided for in this Law.

Article 65: Anyone in violation of the provisions of this law shall be investigated for criminal liability in accordance with the Law. The violator shall be investigated for criminal liability in accordance with the provisions of relevant laws.

#### Chapter Nine: Supplementary Provisions

Article 66: This law shall be effective from the date of publication.